

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on January 20, 2011. By way of the present response applicants have 1) amended claim 15; 2) added no claims; and 3) canceled claim 22. Support for the amendment is found in the specification as originally filed – e.g., at least in paragraphs [0008], [0011], and [0024]-[0027] (paragraph numbers refer to the application as published by the PTO: U.S. Pat. Pub. No. 2007/0144906). No new matter has been added.

Reconsideration of this application as amended is respectfully requested.

Examiner Interview

Applicants thank the Examiner for conducting a telephonic interview with the undersigned attorney on April 14, 2011. The substance of the interview is contained in the Examiner's Interview Summary Form, PTOL-413, mailed on March 18, 2011. During the interview, the Examiner and undersigned attorney discussed amending claim 15 to specify that the electric field generator generates an alternating current (AC) electric field. The Examiner indicated that this amendment should overcome the present rejection of claim 15. Additionally, the undersigned attorney argued that Galambos fails to disclose an inner surface being formed of a porous material having porous channels. The Examiner argued Galambos describes the inclusion of posts in the channel and that the Examiner considers them to be equivalent to the claimed porous material having porous channels.

Claim Rejections – 35 U.S.C. §102 and §103

Claims 15-17, 19, 21, and 24-25 stand rejected under 35 U.S.C. §102(a) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S Patent No. 6,537,437 by Galambos ("Galambos"). Applicants do not admit that Galambos is prior art and reserve the right to swear behind Galambos at a later date.

Applicants respectfully submit Galambos fails to disclose "a tube with an open end and an inner surface being formed of **a porous material** having porous channels that are at least partially filled with a liquid containing an electrolyte." (Amended claim 15) (emphasis added). Galambos describes producing an electroosmotic force "without the need for a microporous dielectric medium." (Galambos, col. 1, lines 52-54). In response to a previous submission of this argument, the Examiner asserted that that this description is directed only to "some preferred embodiments" and that "pertinence of non-preferred disclosure must likewise be reviewed." (Office Action dated 1/20/11, page 5). Applicants note, however, that Galambos does not disclose, e.g., as a non-preferred embodiment, the use of a porous material having porous channels as set forth in claim 15. Galambos only discloses that the "silicon nitride layer 34 lining the channel 14 [is] nonporous." (Galambos, col. 8, lines 15-17). The Examiner further argues that Galambos' inclusion of a plurality of posts to increase the surface area of the channel is equivalent to the claimed inner surface being formed of a porous material having porous channels. Applicants respectfully disagree and submit that a person of ordinary skill in the art would not deem the inclusion of posts to be equivalent to an inner surface being formed of a porous material having porous channels.

Galambos describes that silicon nitride layer 34, which is disclosed to be nonporous, would cover the posts. Galambos' channel, whether it includes posts or not, is described as being lined with a nonporous material. Additionally, even if both the inclusion of posts and the use of a porous material are intended to have the similar effect of increasing surface area, the two ways of increasing surface area are quite different.

Furthermore, applicants respectfully submit that Galambos fails to disclose "an electric field generator to generate an alternating current (AC) electric field along a lengthwise axis of the tube to induce a pressure in the liquid." (Amended claim 15). In contrast to claim 15, Galambos discloses the use of a DC power supply.

Accordingly, applicants respectfully submit that the rejection of claim 15 has been overcome.

Given that claims 16-17, 19, 21, and 24-25 are dependent upon claim 15, and include additional features, applicants respectfully submit that the rejection of claims 16-17, 19, 21, and 24-25 has been overcome for at least the reasons set forth above.

Claims 28-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Galambos in view of U.S. Patent No. 5,362,213 by Komatsu et al. ("Komatsu").

Komatsu describes a micro-pump utilizing a piston. Komatsu, however, does not remedy the shortcomings of Galambos described above. Accordingly, given that claims 28-33 are dependent upon claim 15, applicants respectfully submit that the rejection of claims 28-33 has been overcome for at least the reasons set forth above.

CONCLUSION

Applicants respectfully submit that in view of the amendments and arguments set forth herein, the applicable objections and rejections have been overcome.

Applicants reserve all rights under the doctrine of equivalents.

Pursuant to 37 C.F.R. 1.136(a)(3), applicants hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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